



Fayette County Public Schools

SECTION 504 PARENT RIGHTS, HEARING AND REVIEW PROCEDURES

The following is a copy of the notice of Parent and Student Rights under Section 504 of the Rehabilitation Act of 1973. This document is provided to you so that you will be advised of you and your student's rights. All of the rights listed below are triggered with respect to any actions regarding the identification, evaluator or educational placement of your child under Section 504.

THIS DOCUMENT DESCRIBES YOUR RIGHTS TO:

- a. Notice b. Review of relevant records c. an impartial hearing d. a review procedure with respect to any actions concerning the evaluation, identification or educational placement of your child**

By signing below, you will acknowledge that you have received a copy of Parents' and Students' Rights under Section 504 of the Rehabilitation Act of 1973.

PLEASE SIGN AND DATE.

Signature of parent, surrogate parent, guardian or adult student: _____ *Date:* _____

PARENT RIGHT STATEMENT:

1. To receive notice of your rights;
2. To receive notice regarding evaluation, identification, educational placement, or significant change of educational placement, of your child;
3. To give consent prior to initial 504 evaluation and initial 504 placement of your child;
4. For your child to receive a free appropriate public education, (FAPE). This includes being educated with nondisabled students to the maximum extent appropriate. The school district must make needed accommodations to allow your child an equal opportunity to participate in school and school activities (curricular and extracurricular);
5. For your child to be educated in facilities, and access services, comparable to those provided to nondisabled students;
6. For your child to receive an individualized evaluation, and if he/she is found to be eligible under Section 504 of the Rehabilitation Act, for your child to receive individualized accommodations;
7. For evaluation, identification and educational placement decisions to be made based upon a variety of information sources, and by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data and the placement options;
8. If the school district places your child in an educational program it does not operate, for your child to be transported to and from that outside placement setting at no greater cost to you than if the child was placed in a program operated by the district;
9. To examine all education records relating to your child's evaluation, identification, and educational placement and obtain copies of educational records at a reasonable cost, unless the fee would effectively prevent you from inspecting and reviewing the records;
10. To a response from the school district to reasonable requests for explanations and interpretations of your child's records;
11. To request amendment of your child's educational records if there is cause to believe that they are inaccurate, misleading, or otherwise in violation of the child's privacy or other rights;
12. To file a local grievance concerning discrimination.
13. To file a complaint concerning discrimination or FAPE with the Office for Civil Rights in the U.S. Department of Education. The address and phone number of the regional OCR office serving the Fayette County School District can be obtained from one of the Fayette County School District 504 Coordinators/Compliance Officers. The Fayette County School District Section 504 Coordinators/Compliance Officers are Margaret Miracle Murphy: (859) 422-0620-office, (859) 402-3383-mobile, and Ben Martin (859)-422-0478 office, (859) 447-7590-mobile. Mailing address 450 Park Place, Lexington, KY 40511; margaret.murphy@fayette.kyschools.us or ben.martin@fayette.kyschools.us
14. To request an impartial due process hearing as to decisions about your child's evaluation, identification, and educational placement; request review of the hearing officer's decision; and appeal the review officer's decision to court. You and your child may participate in the proceedings and have an attorney represent you at your own expense. You have the right to open the hearing to the public. Hearing and review requests must be made to one of the Fayette County School District Section 504 Coordinators/Compliance Officers, Margaret Miracle Murphy: (859) 422-0620-office, (859) 402-3383-mobile, and Ben Martin (859)-422-0478-office, (859) 447-7590-mobile. Mailing address 450 Park Place, Lexington, KY 40511; margaret.murphy@fayette.kyschools.us or ben.martin@fayette.kyschools.us



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15. To request reimbursement of reasonable attorney fees if you are determined to be a prevailing party in your 504 hearing or court action.
16. When a student reaches the age of majority, or is emancipated, under Kentucky law, all rights under Section 504 transfer from the parents to the student, unless the Fayette County School District is provided with an official copy of a court order declaring the student incompetent under KRS Chapter 387.

SECTION 504 IMPARTIAL HEARING AND REVIEW PROCEDURES: HEARING PROCEDURE

1. The Fayette County School District or a parent may request an impartial due process hearing on any issue regarding evaluation, identification, or educational placement under Section 504 of the Rehabilitation Act.
2. A parent requests an impartial due process hearing by filing a written request with one of the Section 504 Coordinators/Compliance Officers, Margaret Miracle Murphy: (859) 422-0620 office, (859) 402-3383-mobile, or Ben Martin (859) 422-0478-office, (859) 447-7590-mobile. Mailing address 450 Park Place, Lexington, KY 40511; margaret.murphy@fayette.kyschools.us or ben.martin@fayette.kyschools.us
3. The Superintendent arranges for a hearing officer.
4. The Fayette County Public School's Section 504 Coordinator, or the hearing officer, gives notice of the time and place of the hearing to the parent, or adult student, at least 15 calendar days in advance of the hearing.
5. The hearing officer, or review officer, may extend any timelines in this procedure, except for the timeline for requesting review of the hearing officer's decision.
6. At least 10 calendar days before the hearing, the hearing officer shall hold a telephone conference with the parties to clarify issues.
7. At least 5 calendar days before the hearing, each party shall provide to the other party a witness list (stating the subject matter and substance of each witness's expected testimony) and documents it intends to present at the hearing.
8. Any party to the hearing has the right to legal counsel.
9. The parents, or adult student, present arguments and evidence first. The school district then presents arguments and evidence.
10. Parents of parties to the hearing, or adult students who are parties to the hearing, shall have the right to open the hearing to the public.
11. The hearing officer's decision shall be made upon consideration of the record, or such portions of the record as are supported by relevant, reliable, and substantial evidence.
12. The hearing shall be recorded by mechanized means, or by a certified court reporter, at the Fayette County School District's discretion. Any party to a hearing has the right to obtain, upon request and at its own expense, a record of the hearing.
13. Parties, or their representatives, shall not communicate directly or indirectly in connection with any issue of fact or law with the hearing officer or review officer, except upon notice and opportunity for all parties to participate.
14. The hearing officer's decision shall be in writing and made available within 45 calendar days after the hearing officer's receipt of the official record of the hearing, unless the time is extended by the hearing officer for good cause.

REVIEW PROCEDURE

The decision of the hearing officer may be appealed to another 504-hearing officer (a review officer with whom the Fayette County Public School District contracts) by either party in writing within 30 calendar days after receipt of the hearing officer's decision. The timeline to file a request for review of a hearing officer's decision may not be extended. The request for review shall be filed with the Fayette County Public School District's Section 504 Coordinator. The review officer shall make a decision solely upon the record and shall either affirm or overturn the hearing officer's decision within 45 calendar days of receipt of the record. The review officer may extend the timeline for making a decision for good cause. The review officer's decision shall be final and appealable. The review officer's decision may be appealed to court.

(Revised 07/2024)